

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

PRESENT: Marshall, Barboza, Teixeira, Herreshoff and Parella

ALSO PRESENT: Michael A. Ursillo, Esq., Town Solicitor  
Marshall J. Netto, Town Sergeant

ABSENT: Diane C. Mederos, Town Administrator

The Council met in regular session on Wednesday evening, April 4, 2012 in the Town Hall, Council Chambers, beginning at 7:16 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall noted that he will ask the Council to bring forward agenda item J2 to an earlier point in the agenda.

**VOTE ON PROVISIONAL TOWN BUDGET  
FISCAL YEAR 2012-2013**

Barboza/Herreshoff - Voted  
unanimously to adopt the  
provisional budget for Fiscal Year  
2012-2013; Schedule "A" (including  
Schedule "B") at \$41,369,933 and  
Schedule "C" at \$5,099,648.

After the vote taken, Councilman Herreshoff asked to know if budget Schedule "A" included the amount allocated to the School District by the Bristol Warren Regional Joint Finance Committee with Town Treasurer Goucher responding that this amount is included in the schedule as provided.

**Chief Marshal Announcement  
4<sup>th</sup> of July Committee**

It was noted that the 2012 4<sup>th</sup> of July Chief Marshal announcement will take place this evening at approximately 8:00 o'clock PM in the Burnside Building. It was also noted that the Council will recess at this time so as to allow the members the opportunity to attend this announcement.

**SPECIAL PRESENTATION  
"Caravela"**

At this point in the agenda Council Chairman Marshall invited Councilman Teixeira to read the following Commendation into the Council record:

*State of Rhode Island and Providence Plantations*

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

*Town of Bristol  
Commendation  
awarded to*

*"Caravela"*

*in proud recognition of its 25th anniversary.*

*Caravela, founded by Joseph Moniz of Bristol and Manuel Estrela of Fall River, first appeared on local cable television on February 22, 1987. As its name implies, Caravela, has served as a sailing ship of discovery for over twenty-five years, bringing topics and personalities of interest to the Portuguese-speaking citizens of Bristol County, Rhode Island. As the duly elected representatives of all of the people of the Town of Bristol, we gladly say "obrigado" to all who have endeavored to make Caravela a reality; may she sail-on, well into the future.*

*IN WITNESS WHEREOF, we have hereunto set our hand and affixed the SEAL of the Town of Bristol, Rhode Island on adoption this 4<sup>th</sup> Day of April, A.D. 2012.*

*/s/ Diane C. Mederos, Town Administrator  
/s/ Kenneth A. Marshall, Council Chairman  
/s/ David E. Barboza, Council Vice-chairman  
/s/ Antonio A. Teixeira, Councilman  
/s/ Halsey C. Herreshoff, Councilman  
/s/ Mary A. Parella, Councilwoman*

*Attest: /s/ Louis P. Cirillo, CMC, Town Clerk*

*Joseph Moniz, one of the honorees, thanked the Council for its recognition and also stated that he accepts it in the name of the community. He added that the program is produced "with love and we do the best we can."*

*Mr. Moniz also thanked Linda Maaia and also Mike Davis for their participation in making the program possible.*

*Manuel Estrela, also an honoree, made a statement in Portuguese.*

*Councilwoman Parella thanked Messrs. Moniz and Estrela for their volunteer work and wished them future success. She added that she has appeared on the program several times.*

*Councilman Herreshoff added that the local television programs are strengths of the community and also that it has*

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

been an honor for him to be an occasional guest on the program.

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall noted that the Council learned that the Town has been the recipient of approximately \$8 million in grants during the past two years. He added that he learned today that the Town will be the recipient of grants totaling \$275,000 for recreational facility improvements.

Council Chairman Marshall asked Town Treasurer Goucher to determine a source for the required matching funds.

**MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA**

Barboza/Herreshoff - Voted  
unanimously to approve the Consent  
Agenda withholding agenda item AA4  
and combining agenda items C1 and  
G1.

Prior to the vote taken, Councilman Teixeira asked that agenda item AA4 might be withheld and also suggested combining agenda items C1 and G1.

Town Solicitor Ursillo requested that the Council might add an Executive Session concerning litigation to the agenda.

Barboza/Teixeira - Voted  
unanimously to suspend the regular  
order of business so as to consider  
agenda item J2 at this time.

*The discussion and action concerning agenda item J2 appears in place below.*

**A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)**

1. Town Council Meeting - March 14, 2012 (action items only)

Barboza/Teixeira - Voted  
unanimously to approve these  
minutes as prepared and presented.

**(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions**

**Approval of consent agenda="Motion to receive and place these items on file."**

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

1. Bristol County Water Authority Board of Directors - February 8, 2012 (draft)
2. Bristol County Water Authority Audit Finance Committee - March 7, 2012
3. Bristol County Water Authority Engineering Committee - March 7, 2012
4. Bristol County Water Authority Public Relations/Personnel Committee - March 7, 2012

Barboza/Teixeira - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Councilman Teixeira stated that this committee has done a "wonderful job" with the organizational chart and also commended the committee for its work on job descriptions. He added that he "finds solace in that things are going well" at the Water Authority.

Councilman Teixeira also recognized the presence of Joseph DeMelo, a member of the Water Authority Board of Directors.

Councilman Herreshoff noted that the organizational chart reports that the Manager of Operations is not yet named.

Council Chairman Marshall stated that he believes the Water Authority is now advertising for this position.

Councilman Herreshoff stated that he hopes that the Water Authority will fill this position carefully.

Councilman Teixeira observed that the new Executive Director is restructuring the organization.

5. Animal Shelter Capital Project Committee - February 9, 2012
6. Animal Shelter Capital Project Committee - February 22, 2012
7. Animal Shelter Capital Project Committee - February 29, 2012
8. Building Code Board of Appeals - February 9, 2012

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

9. Harbor Commission - March 5, 2012
10. Bristol Housing Authority - February 9, 2012
11. Planning Board - February 14, 2012
12. Citizens Property Revaluation Advisory Committee - March 1, 2012
13. Citizens Property Revaluation Advisory Committee - March 15, 2012
14. Conservation Commission - February 6, 2012

**B. OLD BUSINESS**

1. Michael Andreozzi, 6 Harker Avenue - request remedy re Tanyard Brook flooding, **continued from February 29, 2012**

Herreshoff/Barboza - Voted  
unanimously to continue this matter  
until the meeting of May 2, 2012.

Prior to the vote taken, Public Works Director Galuska reported that he is addressing the issue and held a meeting with Ronald Blanchard and the Town's consultant. He added that he also will arrange a meeting with the Town's consultant and Mr. Andreozzi's engineer in order to "hash-out" their ideas. He also added that the next step would be to prepare an "engineering sketch" for the parties to consider.

Council Chairman Marshall noted the presence of the Harker Avenue area neighbors.

At this point in the meeting (7:52 o'clock PM), the Council considered a recess.

Barboza/Teixeira - Voted  
unanimously to recess this meeting  
and resume after the Chief Marshal  
announcement.

After the recess, the Council returned to the table and resumed the meeting. Council Chairman Marshall announced that Councilman Teixeira had been selected as Chief Marshal and was therefore excused from the remainder of the meeting.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

2. James Carroll, President, Bristol Golf Association - request for discussion re Bristol Golf Course Property, **continued from March 14, 2012**

Barboza/Herreshoff - Voted  
unanimously to continue this matter  
until the meeting of May 2, 2012.

Prior to the vote taken, it was noted that Mr. Carroll and others were present but had to leave the meeting during the recess. Director of Community Development Williamson stated that she would be able to provide a verbal report concerning this matter at the next meeting.

3. Council Clerk Cirillo re removal of handicapped parking space - 22 Cottage Street, **2<sup>nd</sup> reading for adoption**

Barboza/Herreshoff - Voted  
unanimously to consider this action  
to constitute the second reading  
for approval of the request to  
remove a handicapped parking space.  
Inform Department of Public Works.

4. Mr. and Mrs. Robert Kaus, 5 Sousa Street - request for no parking of commercial trucks adjacent to driveway (**referred for recommendation, March 14, 2012**)

- a. Police Chief Canario re Sousa Street Parking Issues

**LATE ITEM**

- b. Mr. and Mrs. Robert Kaus - supplemental correspondence

Barboza/Herreshoff - Voted  
unanimously to deny the petition.

Prior to the vote taken, Councilwoman Parella asked to know if the owner of the subject truck has a driveway with Police Chief Canario responding that the owner has a driveway but rather chooses to park his truck on the street.

Councilman Barboza stated that the matter appears to be related to an ongoing 35 year "neighborhood war" and that he finds it appalling that Mr. and Mrs. Kaus are attempting to "enlist the Town Council" into this war.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Mrs. Kaus stated that she believes the statement to be biased and that she is here for the Council to consider her report of a safety hazard. She added that she knows that the truck is not illegally positioned but also added that the position of the truck prevents her and her husband to safely exit their driveway.

Mrs. Kaus explained that she is unable to obtain a clear view of the street while exiting her driveway and that there are often children in this street and that the position of the truck creates an unsafe situation.

Councilman Barboza explained that the neighborhood "feud" includes a ruling by a judge and that the area was referred to as "the neighborhood from hell." He added that Mrs. Kaus calls the Police Department frequently.

Mrs. Kaus stated that she is a taxpayer and will continue to call the Police Department as she finds it to be necessary to do so. She added that she did not appear before the Council to discuss the court case or neighborhood but wishes to report to the Council concerning her report of a safety hazard.

Councilman Barboza asked to know if the matter was brought to the attention of the police with Mrs. Kaus responding that Lt. Brian Burke visited her neighborhood and spoke to her neighbor but did not speak to her.

Councilman Barboza stated that he did not wish for the Town Council to become "part and parcel" to the Sousa Street neighborhood feud.

Mr. Kaus stated that his and Mrs. Kaus' concern is for safety.

Councilwoman Parella stated that she was not prejudiced in this case and that she understands the safety aspects of the petition.

Mrs. Kaus again stated that she knows that the truck is legally parked. She added that despite the legal parking issue the location of the truck appears to be creating a nuisance since it forms a "blind" spot.

Councilwoman Parella stated that she did not believe that there was a Town ordinance preventing the parking of this particular truck. She added that if there were an ordinance enacted, it would apply to everyone. She also added, as an

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

example, that if an ordinance were enacted to prevent on-street parking, this would be problematic when residents have guests.

Councilwoman Parella suggested that the matter might be resolved through mediation with Police Chief Canario explaining that there was an unsuccessful attempt to do this.

Councilwoman Parella asked to know when the mediation took place with Police Chief Canario responding that the mediation was attempted in 2003. He added that the Police Department has responded to 853 calls in this particular neighborhood.

Mrs. Kaus stated that she would not expect that all cars be prohibited from parking on the street. She added that her concern is related to the size and position of this particular commercial truck.

Councilman Herreshoff asked to know if other vehicles are typically parked on Sousa Street with Mrs. Kaus responding affirmatively.

Councilman Herreshoff asked to know what Mrs. Kaus was asking of the Council with Mrs. Kaus responding that she would like to restrict the parking of commercial trucks.

Councilman Herreshoff stated that there is no ordinance at the moment to limit these sized trucks and also that he "sympathized" with this issue.

Councilman Herreshoff asked to know the rule for parking near a driveway with Police Chief Canario responding that the vehicle may not be within five (5) feet of either side of a driveway.

Councilman Barboza asked to know how many of the 853 police calls on Sousa Street were unfounded with Police Chief Canario responding 98 percent.

Councilman Barboza reminded the Council that there was a motion to deny before its honorable body.

Mrs. Kaus suggested that the Council was "forewarned" that it is unsafe for vehicles to exit her driveway.

A discussion ensued regarding the status of the Sousa Street neighborhood dispute with Police Chief Canario assuring the



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Council that his department will bring any crimes to justice.

Councilwoman Parella stated that neighborhood disputes are difficult and also that neighbors have the right to call the Police Department whenever they choose to do so.

Police Chief Canario informed the Council that Sousa Street neighbors have audio/video surveillance equipment installed on their property.

Council Chairman Marshall suggested that Police Chief Canario might ask Mr. Olson to move the questionable truck and to park their car in the spot instead.

Police Chief Canario reported that Lt. Burke had a conversation with Mr. Olson.

Councilwoman Parella agreed and suggested that the police should inform Mr. Olson that the Council is interested in this problem.

Mrs. Kaus questioned as to whether or not someone can operate a business within a residential neighborhood. She added that Zoning Officer Tanner tells her this is acceptable but she did not understand why it was since large trucks traverse the street related to this business.

Councilman Barboza stated that Code Compliance Coordinator Evans did not find a violation of the Town Code with Mrs. Kaus responding that most activity takes place at night.

After the vote taken, Councilwoman Parella asked Police Chief Canario to provide follow-up information concerning this matter.

Police Chief Canario reported that Lt. Burke found nothing to report with Ms. Kaus alleging that Ms. Olson may have "charmed" Lt. Burke. Ms. Kaus repeated that she came to the Council to speak about safety concerns but was not allowed to do so. She added that she wishes to live peacefully on her street.

Council Chairman Marshall stated that the Council will continue to monitor this situation.

Herreshoff/Barboza - Voted  
unanimously to suspend the regular  
order of business and consider

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

agenda item C1, combined with G1,  
at this time.

Prior to the vote taken, Council Chairman Marshall asked that agenda item C1, combined with G1 might be considered at this time.

*It is hereby noted for the record that agenda item C1, combined with G1 was taken up at this time. Council action and discussion appears below, in place.*

5. David W. Piccerelli, RI PBS, to Thomas Kogut, RI Division of Public Utilities and Carriers re closure of Service Area 5 (Bristol County) PEG Fixed Studio

Herreshoff/Barboza - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Council Chairman Marshall noted that this matter was raised approximately one year ago and that the studio has been kept open longer hours in order to attract more use. He added that the Town does not have to agree to the closure.

Councilman Barboza noted that the report seems to indicate a minimal amount of new interest.

Councilman Herreshoff stated that a local drop box would be helpful.

Mike Davis informed the Council that the matter will have to be brought up by RI PBS for a public hearing before the Division of Public Utilities and Carriers prior to closure of the studio.

He added that the existence of the studio is paid for by cable subscribers via a surcharge on the cable bill and therefore the Council and public at large may express an opinion at this public hearing.

6. CDBG Program Manager Turbeville re PY 2012 Community Development Block Grant Resolution and Projects/Programs

Barboza/Parella - Voted unanimously  
to adopt this resolution and list  
of projects/programs as prepared  
and presented.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Prior to the vote taken, Councilman Herreshoff asked to know if the list provided was identical to the one considered by the Council during budget sessions with Ms. Turbeville responding affirmatively.

7. Allan Klepper, Barrington Director, Bristol County Water Authority re Monthly Report, March 22, 2012

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file and to instruct the Clerk to express the Council's gratitude for the monthly reports.

Prior to the vote taken, Councilman Herreshoff suggested that the Clerk might send a brief note to the Water Authority indicating that the Council appreciates receiving the monthly reports.

**BB. SPECIAL /STATUS REPORTS**

1. Center for Economic Development - Activity Report January through March 2012

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file.

**C. PUBLIC HEARINGS**

1. Albert P. Quito, d/b/a Quito's Shellfish & Restaurant, 411 Thames Street - request for amendment to Class B-V liquor license to allow seating for six (6) at outdoor bar.

Barboza/Herreshoff - Voted unanimously to close the public hearing.

Barboza/Herreshoff - Voted unanimously to grant the amendment to the license subject to conformance to all laws and ordinances and payment of all fees, taxes and levies with the condition that this amendment is subject to review on August 8, 2012.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Prior to the votes taken, Council Chairman Marshall opened the public hearing.

Speaking in favor of the petition was the petitioner who explained that the additional bar will be utilized to "take pressure off of the inside bar."

Councilman Barboza noted that Mr. Quito provides photographs of the service area.

Councilman Barboza observed that Mr. Quito has placed a fence and also added signage to dissuade patrons from leaving the restaurant patio with alcoholic beverages.

There was no additional testimony presented in favor of the petition and no remonstrance presented in opposition to the petition.

Councilman Herreshoff suggested that Mr. Quito should paint a white stripe on the pavement indicating the limits of the restaurant property where alcohol may be held and/or consumed.

Councilman Herreshoff stated that he is aware that Mr. Quito plans to monitor the activity in the area very closely in accordance to the applicable regulations.

Councilman Barboza noted that Mr. Quito has been very cooperative in the past and that he believes that this cooperation will continue with the amended liquor license.

Councilwoman Parella suggested that Mr. Quito should provide another sign on the opposite side of the fence with Mr. Quito agreeing to do so.

Councilwoman Parella also suggested that the restaurant's service personnel should be provided with training specific to the limitations of the location of the carrying and consumption of alcoholic beverages.

Councilwoman Parella asked to know if patrons will be allowed to purchase drinks while waiting for tables with Mr. Quito stating that only patrons seated at the bar will be allowed to purchase drinks.

Council Chairman Marshall asked to know how long Mr. Quito has operated this business with Mr. Quito responding 17 years.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Councilman Barboza asked to know if there have been problems during this time frame with Police Chief Canario responding that there have been no problems.

D. ORDINANCES

**(CA) E. BUDGET ADJUSTMENTS**

**Approval of consent agenda="Motion to approve these adjustments."**

1. Tax Assessor Spagnolo - Recommended Abatements & Additions for January, February & March 2012

F. APPOINTMENTS

1. Public Service Appointments
  - a. Bristol County Water Authority Board of Directors (term to expire in February 2015)
    1. Frank J. Sylvia, 78 High Street - interest/reappointment
    2. Richard M. Botelho, 14 Sefton Drive - interest/appointment
    3. Juan Mariscal, 1303 Hope Street - interest/appointment
    4. Camille Dale, 66 Collins Street - interest/appointment
    5. Richard P. O'Connell, 51 Collins Street - interest/appointment

**LATE ITEM**

Barboza/Parella - Voted unanimously to instruct the Clerk to arrange interviews for these candidates at a time convenient to the parties.

Prior to the vote taken, the Council instructed the Clerk to set special meetings for the week of April 16, 2012 for the purpose of interviews and also any other "housekeeping" matters. The Clerk informed the Council that since the BCWA candidate interviews may be of long duration, a separate evening for these may be warranted.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

- b. Planning Board (term to expire in April 2015)

- 1. Anthony D. Murgo, 5 Karen Ann Drive  
- interest/reappointment

Councilman Barboza nominated Mr. Murgo for reappointment.

There were no counter-nominations.

Barboza/Herreshoff - Voted  
unanimously to close nominations  
and to instruct the Clerk to cast  
one ballot in favor of Mr. Murgo  
with term to expire in April 2015.

- c. Police Pension Fund Board of Trustees  
(2) (term to expire in April 2015 & to  
fill unexpired term to expire in April  
2013)

- 1. Raymond C. Falcoa, 55 Brooks Farm  
Drive - interest/reappointment

Councilman Barboza nominated Mr. Falcoa for reappointment.

There were no counter-nominations.

Barboza/Herreshoff - Voted  
unanimously to close nominations  
and to instruct the Clerk to cast  
one ballot in favor of Mr. Falcoa  
with term to expire in April 2015  
and to continue advertising the  
vacancy.

Prior to the vote taken, Councilman Barboza asked to know if Mr. Falcoa represented the police union with the Clerk responding that Mr. Falcoa is one of the "public" members. Town Treasurer Goucher noted that James Motta represents the police union and serves per the provision of the Town ordinance concerning same.

- d. Zoning Board of Review (to fill term to  
expire in March 2017)

- 1. David P. Raposa, 6 Rego Avenue -  
interest/appointment (currently  
second alternate)

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

2. Edward P. Stuart, Jr., 31 Birchwood Road - interest/appointment (currently first alternate)

Councilman Barboza nominated Mr. Stuart as full member and Mr. Raposa as first alternate replacing Mr. Stuart.

There were no counter-nominations.

Barboza/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Mr. Stuart as full member with term to expire in March 2017 and Mr. Raposa as first alternate with term to expire in March 2013; all effective May 31, 2012 and also to advertise for candidates for the second alternate position.

Prior to the vote taken, the Clerk explained that the Zoning Board of Review is considering some continued matters in which the current retiring Chairman, William McMullen, was seated. He further explained that Mr. McMullen has agreed to remain on the Zoning Board until these matters are resolved and that these matters should be resolved before the end of May 2012.

e. Golf Course Committee

1. Christopher C. Perry, 27 Smith Street - interest/appointment

Councilwoman Parella nominated Mr. Perry for appointment.

There were no counter-nominations.

Parella/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Perry to serve at the pleasure of the Council.

After the vote taken, Councilman Herreshoff suggested that the Committee should come up with some ideas on the future of the golf course.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Councilwoman Parella agreed that the Committee should develop ideas. She added that there may be grant funding available to improve the property.

The Clerk agreed to contact the current members and relay the Council's suggestion concerning ideas.

**LATE ITEM**            f.    Harbor Commission Advisory Committee (to fill unexpired term to expire in August 2013)

1.    Barbara Healy, 10 Dolly Drive - interest/appointment

Councilwoman Parella nominated Ms. Healy for appointment.

There were no counter-nominations.

Parella/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Healy with term to expire in August 2013.

Prior to the vote taken, it was noted that Ms. Healy was interviewed previously as a candidate for the Charter Review Commission and that an additional interview at this time was unnecessary.

**G.    LICENSING BOARD - NEW PETITIONS**

1.    Albert P. Quito, d/b/a Quito's Shellfish & Restaurant, 411 Thames Street - request for amendment to Class BV Intoxicating Beverage License to allow seating for six (6) at outdoor bar.

*It is hereby noted for the record that discussion and action concerning this item appears as part of agenda item C1 above.*

2.    Anik Palulian, 5 Evangeline Court, d/b/a Plouf Plouf Gastronomie - request for Hawkers and Peddlers License

**LATE ITEM**            a. Recommendation - Chief of Police

Herreshoff/Barboza - Voted unanimously to continue this matter



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

pending a further report from the Chief of Police.

Prior to the vote taken, a discussion ensued regarding this petition. The Clerk reported that he did not speak to the petitioner and that sometimes applicants seek a hawkers and peddlers license when they don't require one - typically to vend at fairs and festivals.

Director of Community Development Williamson noted that the applicant was present but had to leave the meeting when the Council recessed.

3. Scott D. Adler, d/b/a Adler Brothers Construction, Inc., 604 Putnam Pike, Greenville, RI - request for Drainlayer's License

**LATE ITEM** a. Recommendation - Director of Public Works

Barboza/Herreshoff - Voted unanimously to grant this license for a six (6) month trial period based upon the recommendation of the Public Works Director and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

**H. LICENSING BOARD - RENEWALS**

1. Dog Kennel License Renewals 2012-2013

**LATE ITEM** a. Recommendation - Chief of Police

**LATE ITEM** b. Donna Olivo, d/b/a All Paws Inn - renewal petition

**LATE ITEM** c. Allison Barr, d/b/a Allison's Pampered Pets - renewal petition

Barboza/Herreshoff - Voted unanimously to grant renewal of these licenses per the recommendation received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

**(CA) I. UTILITY PETITIONS**

Approval of consent agenda="Motion to approve these petitions."

1. Department of Public Works - Road Cut Permits

J. PETITIONS - OTHER

1. Mary Ann Allen, Procession Facilitator, St. Mary's Church - request for closure of streets (around Town Common) to hold Procession (May 6, 2012)

**LATE ITEM** a. Recommendation, Chief of Police

**LATE ITEM** b. Recommendation, Director of Public Works

Barboza/Parella - Voted unanimously to grant this petition per the recommendations received.

2. Ryan Garrity, Mt. Hope High School Robotics Club - request for support

Barboza/Teixeira - Voted unanimously to appropriate \$1000 from the Town Council Contingency account in support of this endeavor.

Prior to the vote taken, Mr. Garrity and several of his students explained the details of the competition and also the operation of the robot named "spudnic."

Mr. Garrity also explained that the students have devoted many hours to the project and that the group is raising funds to attend the world championship on April 24, 2012.

**ADD ITEM** 3. Joseph DeFeo, d/b/a Wiseguys, 271 Wood Street - petition for transfer of Class BV Limited Intoxicating Beverage License to WG, LLC, d/b/a Wiseguys, 271 Wood Street, **call for public hearing** (May 2, 2012)

Barboza/Herreshoff - Voted unanimously to call for a public hearing to consider this matter on Wednesday evening, May 2, 2012

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

beginning at 7:00 o'clock PM.  
Advertise in local newspaper.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Michael Byrnes, Acting Chairman, Economic Development Commission re request for Council workshop

Barboza/Herreshoff - Voted  
unanimously to instruct the Clerk  
to arrange for this workshop at a  
time convenient to the parties.

2. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council (CRMC) re Harbor Management Plan - conditions and additional stipulations

Herreshoff/Barboza - Voted  
unanimously to refer this matter to  
the Director of Community  
Development and Harbor Commission.

Prior to the vote taken, Director of Community Development Williamson explained that the Harbor Commission would be meeting in the near future to discuss the matter. She added that the Town did already receive conditional approval.

3. Sen. Christopher Ottiano re draft legislation concerning vicious dogs (draft legislation attached)

Herreshoff/Barboza - Voted  
unanimously to endorse this bill  
and to forward its endorsement to  
the local General Assembly  
delegation.

Prior to the vote taken, Councilman Herreshoff stated that vicious dogs have been problematic and that the bill was sensible.

Police Chief Canario reported that he and the Animal Control Officer support the bill.

Councilman Barboza noted that the Town already has a vicious dog ordinance and asked to know if this bill would change this.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Police Chief Canario explained that should the bill become law, the new law will reinforce the Town ordinance.

4. Coastal Resources Management Council (CRMC)  
re notice of hearing, April 24, 2012 -  
amendment to Rules and Regulations, etc.

Herreshoff/Barboza - Voted  
unanimously to receive and place  
this matter on file.

5. Mark A. DeFelice, President, King Philip  
Little League re invitation to opening day  
ceremonies, April 28, 2012

Barboza/Herreshoff - Voted  
unanimously to receive and place  
this matter on file.

6. Director of Community Development Williamson  
re East Bay Energy Consortium (EBEC) proposed  
legislation

- a. Draft Resolution

**LATE ITEM**

- b. Nicholas Ratti, 28 Hydraulion Avenue -  
supplemental information

Barboza/Parella - Voted unanimously  
to adopt the resolution  
incorporating the amendments as  
proposed by the Town of Barrington.

Prior to the vote taken, Director of Community Development Williamson explained that the proposed legislation allows for setting up an "entity" so as to allow the Consortium to move forward. She added that it would also allow the Consortium to issue bonds.

Director of Community Development Williamson also explained that the establishment of the legal entity is the first step and that the Council will later pass an ordinance to establish membership in the entity.

Town Solicitor Ursillo noted that the Barrington Town Council adopted this same resolution earlier this week and amended same to allow for removal of board members and also to set terms of office.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Councilwoman Parella stated that the entity appears to be similar to the Bristol County Water Authority and that she is uncertain as to her approval of a new government entity.

Director of Community Development Williamson stated that the entity will be similar to a utility and that this utility would produce and sell electrical energy. She added that the entity will be able to sell bonds to finance its projects and pay back the bonds from the proceeds derived from the sale of electricity. She added that the arrangement will provide a safeguard against the bonded debt becoming the responsibility of the Town.

Councilman Herreshoff asked to know if the Town would be safeguarded from the entity's debt with Director of Community Development Williamson responding affirmatively.

Councilwoman Parella asked to know who drafted the resolution with Director of Community Development Williamson responding that the Consortium was advised by Tom Moses and that Assistant Solicitor Teitz participated also.

Councilman Barboza asked to know if Mr. Ratti's concerns are valid with Director of Community Development Williamson responding that she was unsure if Mr. Ratti's concerns are valid.

Councilman Barboza stated that he appreciates that Mr. Ratti keeps the Council informed.

Town Solicitor Ursillo stated that there does not appear to be any constitutional problems with the proposal and that the matter was fully vetted by Mr. Moses.

Director of Community Development Williamson informed the Council that the Consortium remains a long way from a project. She added that the target date for the establishment of the entity is June and that the group hopes to garner the support of all of the member towns by the end of April.

Director of Community Development Williamson added that the group agrees that there are many opportunities and that she is uncertain as to how the group will ultimately proceed since they may further consider the Tiverton wind project and/or other projects including solar. She added that there is a good amount of cooperation between the various member towns.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Director of Community Development Williamson added that the Consortium has been supported thus far through Rhode Island economic development funds.

Councilwoman Parella stated that the goal of the Consortium is to save energy to reduce cost and that she is concerned that any savings may be devoured by a bureaucracy.

Director of Community Development Williamson reported that the initiative has a heavy consultant component and will likely need more. She added that she was uncertain at this time as to what the commitment for staff will be.

Councilman Barboza asked to know about the approval of this resolution by the Town of Barrington with Town Solicitor Ursillo responding that the changes by Barrington solely dealt with membership in the entity; limiting terms to three years and establishing a removal for just-cause clause. He added that Barrington was the first community to consider the resolution.

Councilwoman Parella noted that the legislation may be further amended by the partner towns and legislative committees. She expressed concern that the entity may emerge very different prior to passage of the legislation.

Town Solicitor Ursillo agreed to keep the Council apprised of all amendments.

Councilman Barboza noted that the Council was grateful to Mr. Ratti for his input to this matter.

7. Director of Community Development Williamson re Storm Water Utility Districts Feasibility Study overview

- a. Storm Water Utility District fact sheet

Herreshoff/Barboza - Voted unanimously to support the project as outlined and also to request that the Director of Community Development should work collaboratively with the Department of Environmental Management and to return to the Council with study findings.

Prior to the vote taken, Director of Community Development Williamson introduced Elizabeth Scott from the Department of

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Environmental Management and also Kate England, a graduate student from Brown University who is assisting Ms. Scott. Director of Community Development Williamson added that Save the Bay is also a partner in this endeavor.

Ms. Scott explained the program and further explained that she is already working with the towns of Westerly and Middletown similarly.

Council Chairman Marshall noted that the program seems to be proactive; utilizing a 5 to 10 year forecast of financial need for compliance.

Town Treasurer Goucher agreed with Council Chairman Marshall and stated that the program seems to establish a great way for the Town to manage costs.

**L. BILLS & EXPENDITURES**

**1. Bid #754 - 2012 Spring Tree Planting**

Herreshoff/Barboza - Voted  
unanimously to refer this matter to  
the Town Administrator to act in  
the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as received:

Shalvey Bros. Landscape Warwick, RI \$16,146.00

**(CA) M. ROUTINE REPORTS**

**(CA) N. FINANCIAL REPORTS**

**Approval of consent agenda="Motion to receive and place this item on file."**

**1. Revenue and Expenditure Statement through  
March 30, 2012**

**P. PROCLAMATIONS & CITATIONS**

**1. Proclamation - Samuel C. Kinder, "Tree Warden  
Emeritus"**

Herreshoff/Parella - Voted  
unanimously to adopt this  
proclamation as prepared and  
presented.

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

**(CA) Q. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED**

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Bethany L. Moura, Senator, District 19 - request for support of Senate Bill 2371 and House Bill 7746 re proposed legislative amendments to RIGL § 34-27-6, An Act Relating to Property - Mortgage Foreclosure and Sale (legislation attached)
2. Donna L. Giordano, MMC, Westerly Town Clerk - request for support of resolution in opposition to Senate Bill 7250, mandating expired teacher contracts continue (legislation attached)
3. Teri Maia-Cicero, Chairperson, Exeter-West Greenwich Regional School Committee - resolution in opposition to House Bills 7250, 2532, etc., mandating expired teacher contracts continue (see Q2 above, supplemental legislation attached)
4. Teri Maia-Cicero, Chairperson, Exeter-West Greenwich Regional School Committee - resolution opposing House Bills 7617, 7620, etc., relating to binding arbitration for teacher/school employee contracts (legislation attached)
5. Teri Maia-Cicero, Exeter-West Greenwich Regional School Committee Chairperson - resolution in support of Senate Bill 2158 and House Bills 7272 and 7863, changing teacher layoff notification date from March 1 to June 1 (legislation attached)
6. Leigh A. Botello, East Greenwich Town Clerk - request for support of resolution in opposition to House Bill 7617, relating to binding arbitration for teacher/school employee contracts (see Q4 above)
7. Leigh A. Botello, East Greenwich Town Clerk - request for support of resolution opposing House Bills 7618 and 7619 relating to



**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

firefighter and police arbitration  
(legislation attached)

8. Leigh A. Botello, East Greenwich Town Clerk - request for support of resolution in opposition to House Bill 7620 relating to municipal employee arbitration (see Q4 above, legislation attached)
9. Maureen Cotter, South Kingstown School Committee Chairman re resolution in support of Senate Bill 2158 and House Bills 7272 and 7863 changing teacher layoff notification date from March 1 to June 1 (see Q5 above)
10. Virginia Harnois, Smithfield School Committee Chairperson re resolution in support of Senate Bill 2158 and House Bills 7272 and 7863 changing teacher layoff notification date from March 1 to June 1 (see Q5 above)
11. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution in opposition to House Bills 7617, 7618, 7619 and 7620, relating to teacher/school employee, municipal, firefighter, and police arbitration
12. Jean M. Fecteau, Glocester Town Clerk - request for support of resolution in opposition to House Bill 7617, etc., relating to binding arbitration for teacher/school employee contracts (see Q4 above)
13. Jeffrey J. Mutter, Chairperson, Cumberland School Committee re resolution in support of House Bill 7272, changing teacher layoff notification date from March 1 to June 1 (see Q5 above)
14. Jeffrey J. Mutter, Chairperson, Cumberland School Committee re resolution in opposition to House Bills 7617 and 7620, etc., relating to binding arbitration for teacher/school employee contracts (see Q4 above)
15. Jeffrey J. Mutter, Chairperson, Cumberland School Committee re resolution in opposition to House Bill 7250 and Senate Bill 2532,

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

etc., mandating expired teacher contracts continue (see Q2 and Q3 above)

**(CA) R. DISTRIBUTIONS/COMMUNICATIONS**

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Town Administrator Mederos re Emergency Declaration - Thames and Franklin Street Pipe Collapse
2. (Bristol County Water Authority) re BCWA in the News, March 2012
3. Warrant - Jerry W. Dauterive, Economic Development Commission
4. Town Administrator Mederos to Information Systems Technologies, Inc., Portsmouth, RI re award of RFP #747 - Management Information Systems Support
5. Kevin Flynn, Associate Director, Rhode Island Department of Administration, Division of Planning re Transportation Improvement program (TIP) FFY 2013-2016
6. Town Administrator Mederos re temporary absence (March 29 through April 4, 2012)
7. Council Clerk Cirillo to Director of Public Works re removal of handicapped parking space - 11 Roma Street
8. Coastal Resources Management Council - Semi-Monthly Meeting, March 27, 2012 (cancelled)
9. RIDOT re Community Update - Hope Street project (March 19 - April 7, 2012)
10. RIDOT re Community Update - Asylum Road project, Colt State Park (March 19 - April 7, 2012)
11. RIDOT - Press Release re one-way traffic during Hope Street Improvement Project (Hope and Thames Streets)

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

12. Town Administrator Mederos to Northern Construction, LLC, Weymouth, MA re award of Bid #746 - Tanyard Brook Culvert Replacement Project
13. RIDOT re Community Update - Asylum Road, Colt State Park project (March 26-31)
14. RIDOT re Community Update - Hope Street project (March 26-31)

**(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS**  
(Office copy only)

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Bristol Warren Regional School District Joint Finance Committee Meeting - March 15, 2012
2. Citizens Property Revaluation Advisory Committee - March 15, 2012
3. Bristol County Water Authority Board of Directors - March 14, 2012 (revised)
4. Bristol County Water Authority - April 2012 Meetings
5. Bristol Warren Regional School District Joint Finance Committee Meeting - March 27, 2012 (revised)
6. Bristol Warren Regional School District Schedule of Meetings - Week of March 19, 2012
7. Bristol Warren Regional School District Schedule of Meetings - Week of March 26, 2012
8. Bristol Warren Regional School Committee Personnel/Contract Negotiation Subcommittee - March 26, 2012
9. Bristol Warren Regional School Committee - March 26, 2012
10. North and East Burial Grounds Commission - April 2, 2012
11. Fourth of July Committee - April 4, 2012

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

12. Bristol Warren Regional School District  
Schedule of Meetings - Week of April 2, 2012
13. Bristol Warren Regional School Committee  
Policy/Community Affairs Subcommittee, April  
2, 2012
14. Bristol Warren Regional School Committee  
Council 94 Contract Negotiating Team, April  
5, 2012

**S. TOWN SOLICITOR**

1. Town Solicitor Ursillo re Show Cause Hearing  
- Gillary's, 198 Thames Street

Herreshoff/Barboza - Voted  
unanimously to call for a show-  
cause hearing regarding said matter  
to be held on Wednesday evening,  
May 2, 2012 in the Town Hall,  
Council Chambers beginning at 7:00  
o'clock PM.

Prior to the vote taken, Town Solicitor Ursillo explained  
that this show-cause hearing has been precipitated by  
reports of overcrowding at the subject establishment in  
violation of the fire code.

**Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS**

**1. MARSHALL**

a. "Transparency" - Council Chairman Marshall  
thanked Mike Davis for providing video services  
for this evening's meeting. He added that the  
availability of Council meetings on television  
provides a high level of "transparency."

b. Budget and Joint Finance Committee - Council  
Chairman Marshall stated his concern that the  
Warren Town Council President believes that the  
Town of Bristol subverted the Town of Warren in  
the recent Joint Finance Committee budget  
decision.

He added that the Town of Bristol always welcomes  
the opinions of the Town of Warren and often has

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

modified its thoughts in order to accommodate the smaller Town's issues.

Council Chairman Marshall also added that the inequitable change to the State funding formula has caused the need to approach the budget differently. He explained that the Joint Finance Committee did not wish to undermine the efforts which have led to high test scores and commended schools.

c. Veterans Home Project - Council Chairman Marshall yielded his time to Recreation Director Burke who described a volunteer project at the RI Veterans Home intended to improve the landscape of the Home's various courtyards. Recreation Director Burke explained that the project will take place at the Veterans Home on May 19 and 20 and also that his department, in cooperation with the Bristol Veterans Council will be sponsoring a free clambake for all veterans at the Town Beach.

d. Michael Abbruzzi - Council Chairman Marshall noted that Mr. Abbruzzi, former Warren Town Manager, and member of the Joint Finance Committee, will be assisting acting Town Manager Thomas Gordon with certain aspects of Town finance.

Council Chairman Marshall suggested that Town Treasurer Goucher might "reach out" to Mr. Abbruzzi and Mr. Gordon so as to provide any required assistance.

Town Treasurer Goucher reported that she has already offered her professional assistance to Mr. Gordon and will be pleased to help the Town of Warren in any way practicable.

e. Difficult Times - Council Chairman Marshall noted that there have been "many rough patches" in recent years and that the Town of Bristol continues to be a "model" for the State.

**2. BARBOZA**

a. Town of Warren - Councilman Barboza stated that he was disappointed to hear comments from Town of Warren officials concerning the vote of the Joint Finance Committee. Councilman Barboza

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

further stated that, as Chairman, he attempted to have the issue considered in a fair and balanced manner and allowed special presentations by the Town Manager and the Council President - this not previously done.

Councilman Barboza stated that the issue is "not us versus them" and that he believes that the Committee selected to do what is best for education within the district.

Councilman Barboza added that he believes Warren's position is "don't want to versus can't" and that he also believes if the town were "circling the drain" the outcome would have been different.

Councilman Barboza also thanked Town Treasurer Goucher for helping "crunch the numbers" for the Committee.

b. Traffic Pattern - Councilman Barboza noted that the temporary one-way traffic pattern appears to be working well. He suggested that additional speed limit signs might be installed along Thames Street.

Police Chief Canario reported that his department representative has weekly meetings with the Department of Transportation and also that additional signs would be possible. He added that the Department of Transportation has been most cooperative.

c. Kaus - Councilman Barboza stated that Mr. and Mrs. Kaus have a right to speak but that no one has the right to "yell fire in a crowded room when there is no fire." He added that there has been a neighborhood problem for 35 years.

d. Chief Marshal - Councilman Barboza congratulated Councilman Teixeira upon his selection as 4<sup>th</sup> of July Chief Marshal.

e. Happy Easter/Passover - Councilman Barboza offered holiday wishes on behalf of the Council.

3. TEIXEIRA

4. HERRESHOFF

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

a. School Budget - Councilman Herreshoff stated that Joint Finance Committee members were faced with "an impossible impasse" and also that he believes the members found a compromise in the center. He added that no one received exactly what he or she wanted in the budget approval.

b. Franklin and Hope Streets - Councilman Herreshoff suggested that the northeast corner of Franklin and Hope Streets might be modified by rounding the corner. He also suggested that this might be done as part of the Hope Street rehabilitation project and that it would involve the relocation of a fire hydrant and modification of the drainage in the area. Councilman Herreshoff added that he did not believe that it would be impossible to change plans for the Hope Street project to include this modification.

c. Flags - Councilman Herreshoff suggested that flags should be placed on the Town's flagpoles to fly every day and also that some of the flagpole halyards are in need of repair.

5. PARELLA

a. Chief Marshal - Councilwoman Parella offered her congratulations to Chief Marshal and Mrs. Teixeira and congratulated Councilman Teixeira for keeping the news a secret.

b. World Wildlife Fund - Councilwoman Parella noted a recent e-mail from Nancy Richard concerning the World Wildlife Fund Earth Hour City Challenge. Councilwoman Parella asked that this matter might be forwarded to the meeting of May 2, 2012 for further Council consideration.

c. Holiday Wishes - Councilwoman Parella noted the upcoming Easter and Passover observances and extended holiday wishes.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

----

CITIZENS PUBLIC FORUM

----

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 4, 2012**

Herreshoff/Barboza - Voted  
unanimously to add a request for  
Executive Session to discuss  
litigation matters pursuant to RIGL  
§42-46-5 (a) (2).

Barboza/Herreshoff - Voted  
unanimously to adjourn into  
Executive Session pursuant to RIGL  
§42-46-5 (a) (2) to discuss matters  
of litigation at 10:39 o'clock PM.

Barboza/Parella - Voted unanimously  
to resume open session and seal the  
minutes of the Executive Session at  
11:15 o'clock PM.

There being no further business, upon a motion by Councilman  
Barboza, seconded by Councilwoman Parella and voted  
unanimously, the Chairman declared this meeting to be  
adjourned at 11:16 o'clock PM.

---

Louis P. Cirillo, CMC, Council Clerk